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EXEMPT FROM FILING FEES
GOV. CODE § 6103

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE

Coordination Proceeding Special Title
(Cal. Rules of Court, rule 3.550)

MOJAVE BASIN WATER CASES

CITY OF BARSTOW,

Plaintiff,

v.

CITY OF ADELANTO, et al.,

Defendants.

AND RELATED CROSS ACTIONS

JCCP NO. 5265
Case No. CIV208568

Assigned for All Purposes to Hon. Harold
W. Hopp, Department 1

**VICTORVILLE WATER DISTRICT'S
OBJECTION TO CALIFORNIA
DEPARTMENT OF FISH AND
WILDLIFE AND GOLDEN STATE
WATER COMPANY OPPOSITIONS
TO WATERMASTER'S MOTION TO
ADJUST FREE PRODUCTION
ALLOWANCE FOR WATER YEAR
2025-2026**

**August 4, 2025
1:30 p.m.
Department 1**

Hon. Craig G. Riemer, Judge Presiding by
Assignment

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I. INTRODUCTION

Victorville Water District¹ (**VWD**) is a groundwater producer in the Alto Subarea and Centro Subarea. VWD did not file an opposition or comments on the Mojave Basin Area Watermaster's (**Watermaster**) Water Year 2024-2025 Free Production Allowance Motion (**FPA Motion**) because (1) VWD supports the recommended Alto Subarea and Centro Subarea FPA and (2) major updates to Production Safe Yield will not occur until after completion of the Regional Mojave River Basin Model. Here, VWD objects to new evidence and requests for relief in the California Department of Fish and Wildlife (**CDFW**) and the Golden State Water Company (**GSWC**) July 22, 2025 Oppositions to the FPA Motion.

II. OBJECTIONS

Watermaster is a public agency that conducts its business in open public meetings. Watermaster provides notice of its proposed FPA recommendations to the general public and the parties to the Judgment and conducts meetings under the Brown Act. Watermaster's public process develops an administrative record documenting Watermaster's recommendations to the Court and the parties' comments thereon. California law generally requires participants in an administrative proceeding to raise objections to a proposed action prior to bringing a legal challenge to the action. CDFW's and GSWC's comments on Watermaster's proposed FPA recommendations supported those recommendations, and the only issues that CDFW and GSWC did raise during the comment period were outside the scope of the FPA recommendation process and, instead, germane to other aspects of the Judgment.

In their Oppositions, CDFW and GSWC both support the FPA recommendations but go beyond the FPA Motion by asking the Court to issue orders that would exceed the scope of the FPA Motion and the scope of the comments CDFW and GSWC submitted on the draft FPA recommendations. An FPA motion is not a free-for-all to raise issues. A party seeking affirmative relief must submit a motion per paragraph 36 of the Judgment and paragraph 10 of the Rules and Regulations of the Mojave Basin Area Watermaster (**Rules**). Neither the CDFW nor the GSWC

¹ VWD is a subsidiary district of the City of Victorville formed in 2007 with the consolidation of Victor Valley Water District and Baldy Mesa Water District, both of whom were original parties to the Judgment.

1 Opposition constitutes a proper evidentiary motion to allow the Court to issue orders outside of
2 the FPA recommendations. Accordingly, the parties to the Judgment did not have proper notice of
3 CDFW and GSWC requests, and for this reason the Court should reject those requests until
4 evidentiary motions are brought.

5 In essence, the CDFW and GSWC Oppositions suggest that the stipulated judgment itself
6 is not functioning properly and should be amended, or in the case of GSWC, should be set aside
7 due to mistake of fact. The Oppositions to the FPA Motion do not provide cause for the Court to
8 reopen the Judgment. Any party dissatisfied with the Judgment must use appropriate venues and
9 procedures pursuant to the Judgment and the Rules.

10 **A. CDFW OPPOSITION**

11 The CDFW Opposition states in its conclusion:

12 In addition, the Department requests that the Watermaster be ordered to comply
13 with the requirement in the Exhibit H in the Judgment to take into account the harm
14 to public trust resources of any future decisions to ramp up or keep steady any FPA
15 in the various subareas, including taking into account whether groundwater levels
are meeting the requirements set out in Exhibit H, including the Exhibit H
monitoring wells.

16 (CDFW Opposition at p. 8:24-28.) This request for an order is not properly before the Court.
17 CDFW gave no prior notice to Watermaster and the parties that it asserts the terms of Exhibit H
18 have not been complied with or that it would ask that “Watermaster be ordered to comply with the
19 requirement in the Exhibit H.” CDFW mentioned Exhibit H in its April 15, 2025 comment letter
20 (Attachment B to Declaration of Aaron Johnson in Support of CDFW Opposition) under the
21 heading, “Comments on Pumping,” which followed its “Comments on Watermaster
22 Recommendation.” In the “Comments on Pumping” section, CDFW describes its version of
23 Watermaster’s obligations to consider public trust resources during the FPA adjustment process
24 but does not argue Watermaster failed to comply with Exhibit H when proposing 2025-2026 FPA.
25 (CDFW Comment Letter at pp. 2-4.) No where in the April 15, 2025 comment letter does CDFW
26 suggest that it will ask the Court to order Watermaster to take action regarding Exhibit H.
27 Accordingly, CDFW testimony and evidence regarding noncompliance with Exhibit H should be
28

disregarded in this proceeding to set Water Year 2025-2026 FPA and, instead, should be properly raised in a noticed motion pursuant to paragraph 36 of the Judgment.

B. GSWC OPPOSITION

GSWC asks the Court to increase the obligations of the Alto Subarea to the Centro Subarea. (GSWC Opposition at p. 21, 15:19.) Such an action would not be the mere implementation of the Judgment, as suggested by GSWC, but a fundamental repudiation of the stipulated Judgment. Accordingly, this issue goes far beyond requesting the Court to review Watermaster's FPA Motion and, instead, seeks to reopen the Judgment to reassess the Base Annual Production and Base Annual Production Rights of the producers in the Alto and Centro Subareas.

III. CONCLUSION

VWD respectfully requests that the Court reject any and all arguments made in the CDFW and GSWC Oppositions that expand the scope of this proceeding beyond the substance of Watermaster's FPA Motion.

Dated: July 28, 2025

Law Office of Peter Kiel PC



Peter J. Kiel

Attorneys for Defendant Victorville Water District, a subsidiary district of the City of Victorville

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SONOMA

Re: *City of Barstow v. City of Adelanto, et al.*;
Riverside Superior Court Case No.: CIV 208568

I am over 18 years of age, and not a party to this action. I am employed at the Law Office of Peter Kiel PC. My mailing address is Law Office of Peter Kiel PC, 11 Western Avenue Petaluma, California 95952 and my email is pkiel@cawaterlaw.com.

On July 28, 2025, I served the document

**VICTORVILLE WATER DISTRICT'S OBJECTION TO CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE AND GOLDEN STATE WATER
COMPANY OPPOSITIONS TO WATERMASTER'S MOTION TO ADJUST
FREE PRODUCTION ALLOWANCE FOR WATER YEAR 2025-2026**

By FedEx Overnight Mail to the recipients listed below. I caused such envelope to be delivered by hand to the office of the addressee via overnight delivery pursuant to CCP § 1013(c), with delivery fees fully prepaid or provided for.

By Electronic Mail/Email to the email addresses listed below. Said document was served electronically and the transmission was reported as complete and without error.

To the Attached Service List

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this document was executed on July 28, 2025 at Petaluma, California.

/s/ Peter J. Kiel

Peter J. Kiel

Service List
City of Barstow v. City of Adelanto, et al.;
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VIA EMAIL AND FEDEX

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PROOF OF SERVICE

STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO}

I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 13846 Conference Center Drive, Apple Valley, California 92307.

On July 29, 2025, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing each document being served, to each Party or its designee according to the official service list, a copy of which is attached hereto, and which shall be maintained by the Mojave Basin Area Watermaster pursuant to Paragraph 37 of the Judgment. Served documents will be posted to and maintained on the Mojave Water Agency's internet website for printing and/or download by Parties wishing to do so.

Document(s) filed with the court and served herein are described as follows:

Victorville Water District's Objection to California Department of Fish and Wildlife and Golden State Water Company Oppositions to Watermaster's Motion to Adjust Free Production Allowance for Water Year 2025-2026

 X (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 29, 2025 at Apple Valley, California.


Jeffrey D. Ruesch

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(Nereida.Gonzalez@gswater.com,
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Golden State Water Company (via email)
160 Via Verde, Ste. 100
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Mojave Basin Area Watermaster Service List as of July 29, 2025

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Mojave Basin Area Watermaster Service List as of July 29, 2025

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Mojave Basin Area Watermaster Service List as of July 29, 2025

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Mojave Basin Area Watermaster Service List as of July 29, 2025

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Mojave Basin Area Watermaster Service List as of July 29, 2025

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Mojave Basin Area Watermaster Service List as of July 29, 2025

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